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C O N F I D E N T I A L SECTION 01 OF 02 BANGKOK 000084

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SUBJECT: SELECTION PROCESS BEGINS FOR "NON-PARTISAN" THAI  
SENATE

Classified By: Deputy Chief of Mission James F. Entwistle, reason 1.4 (b) and (d).

SUMMARY

1. (C) Non-partisan Thai organizations are currently nominating candidates for consideration by a Senate selection committee charged with appointing members to the parliament's upper chamber. The committee will fill 74 of 150 seats with selected candidates by February 23, while elections tentatively scheduled for March 2 will fill the remaining 76 seats. Only 15 nominations, including a Defense Ministry nominee viewed as close to former Prime Minister Thaksin, have been received thus far, likely due to the public's lack of familiarity with the new procedures that prohibit political party members and relatives of elected politicians from serving as Senators. The appointment of half of the Senate was meant to ward against the domination of the Senate -- by law a non-partisan body -- from political party influence. Many Thais view the cure as worse than the disease, however, and would support amending the constitution to return to a fully-elected Senate. End summary.

NEW CONSTITUTION, NEW SENATE

2. (U) Thailand's new constitution, approved by Thai voters in an August 2007 referendum, scrapped the country's 1997 charter and its 200-seat wholly-elected Senate and replaced it with a 150-seat semi-selected upper chamber. The new charter calls for each of the country's 76 provinces to elect one Senator to the upper house of parliament in elections tentatively scheduled for March 2. The remaining 74 Senators will be appointed by a seven-person selection committee composed of the President of the Constitutional Court, judges from the Supreme Court and the Supreme Administrative Court, as well as the heads of the Election Commission of Thailand (ECT), Ombudsman's Office, National Counter Corruption Commission, and the Office of the Auditor General. All Senators, both selected and elected, serve six-year terms. The current version of the Senate is supposed to be non-partisan; the Senate established by the 1997 constitution also was supposed to be non-partisan, but it was widely recognized as politicized and susceptible to outside

influence.

#### SELECTION PROCESS BEGINS

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¶3. (SBU) On January 3, the ECT, the agency charged under election laws with supervising Senatorial selections and elections, inaugurated a 15-day period for organizations to register candidates for consideration by the Senate selection committee. Election laws stipulate that any juristic entity or organization from the academic, public, private, and occupational sectors, as well as other sectors of society deemed "beneficial to the performance of Senate duties," may each nominate one candidate for Senatorial selection. Political groups, for-profit entities, and organizations in existence for less than three years are not eligible to nominate candidates. ECT sources told us on January 7 that, thus far, 15 organizations, such as the Phrae Province Chamber of Commerce, the Flower Association of Thailand, the Powdered Fish Food Producers Association, and the Thai Medical Association, had each nominated a candidate.

¶4. (SBU) A respected political scientist told us on January 7 that relatively few organizations had submitted nominees for Senate selection thus far as a result of widespread unfamiliarity with provisions in the new constitution and revised election laws. He expected many more organizations to submit nominations before the end of the registration period on January 17. (Note: It is also possible that large, loosely-governed organizations, such as universities, may find it difficult to quickly settle on only one Senate nominee. End note.) The press widely reported that the Ministry of Defense was the first legal entity to submit its Senate nominee on January 3. The Ministry nominated retired

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General Lertrat Rattananawit, a respected former Defense Inspector General seen as close to deposed Prime Minister Thaksin Shinawatra. (Note: It remains unclear how many Senate nominations can be submitted by representatives of the armed forces. ECT officials we spoke to on January 8 were split as to whether the Army, Navy and Air Force, for example, could also submit nominees. End note.)

¶5. (SBU) Following the registration period, a group appointed by the selection committee will examine the qualifications of nominated individuals based on constitutional provisions. Those found wanting will be disqualified. The constitution specifies that political party members, close relatives of elected Members of Parliament, government officials, and people falling under various other restrictions are unqualified for selection as a Senator. The ECT announced that the complete list of qualified nominees for the Senate would be submitted to the Senate selection committee by January 23, and that the committee would complete the selection process by February 22.

#### ULTIMATE IMPACT UNCLEAR

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¶6. (SBU) Prior to the enactment of the 1997 constitution, all Thai Senators were appointed, usually based on a nomination by the Prime Minister. Critics of the fully-elected Senate under the 1997 constitution derided the so-called "husbands and wives chamber" after many spouses of representatives in the lower house were elected Senators. Some observers felt that the drafters of the 2007 constitution partially restored an appointed upper chamber to reduce the influence of political parties in the Senate, while increasing the influence of judges and high-level bureaucrats. One constitutional drafter told us on January 7 that he expected a more diverse group of Senators compared to previous Senate classes, saying it was conceivable "even farmers" could be selected under the new system.

¶7. (C) Dr. Prayat Hongthongkham, a Chulalongkorn University

political scientist, told us on January 7 that he believed it was possible the partially-appointed Senate would result in a more diverse group of Senators. However, he speculated that political influence, wealth, and connections with local interest groups would continue to strongly influence who would be elected to the chamber. He added that it remained uncertain whether the constitutional drafters would ultimately be able to reduce the influence of political parties in the Senate.

18. (C) Somkiat Onwimon, a former Senator, strongly criticized the makeup of the Senate under the 2007 constitution. He told us on January 7 that the selection process is "unnatural, illegitimate, and conducive to confusion," and criticized as undemocratic constitutional provisions limiting Senatorial nominations to certain societal sectors. He particularly derided restrictions on the selection and election of relatives of members of parliament and political party members. Somkiat speculated that a new elected government would ultimately amend the constitution and reinstate a fully elected Senate.

COMMENT

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19. (C) The decision to revert to the selection of part of the Senate was among the most controversial elements in the 2007 constitution. Even if the selection process goes well and results in the kind of "ideal" Senators the constitutional drafters envisioned -- wise, selfless, expert in legal issues, and loyal to the King -- we anticipate early efforts to amend these provisions and return to an elected Senate.

JOHN